88-1967

Supreme Court, U.S.
FILED
DEC 19 1988
JOSEPH F. SPANIOL, JR.
CLERK

CASE NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

CHARLES M. ANDERSON,

Petitioner

VS.

CHARLES W. SICKELS, THOMAS J. MIDDLETON, BERNARD F. JENNINGS, A. STRODE BRENT, JR., PARR EXCELLANCE, INC., HENRY C. MACKALL, WALKER & SILVER, DONALD L. BOWMAN, BOWMAN LAW OFFICE, F. BRUCE BACH, JACK B. STEVENS, J. HOWE BROWN, THOMAS A. FORTKORT, CLAUDE HILTON,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS TO THE FOURTH CIRCUIT

CHARLES M. ANDERSON
8401 Cathedral Forest Dr.
Fairfax Station, Virginia 22039
Appellant Pro Se

QUESTIONS PRESENTED FOR REVIEW

I

Are judges immune from injunctive relief request.

II

Did plaintiff request of the trial court that they "review the decisions of state courts" in his request for injuntive relief.

III

Does plaintiff have a right to amend if the trial court determines that he failed to state a claim for which he is entitled to relief.

IV

Did plaintiff "fail to establish" that non-state-actor defendants conspired with a state official.

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14th Amendment of U. S. Constitution. 1

OPINIONS BELOW

The judgment and opinion of the U.S. Court of Appeals for the Fourth Circuit entered in the above-entitled cause dated September 20, 1988 is attached as Appendix A. Copies of the judgment ~~and opinion~~ of the U. S. District Court for the Eastern District of Virginia (Alexandria Division) ~~have been denied me.~~ ARE B.

JURISDICTION

The opinion of the Court of Appeals for the Fourth Circuit was filed on Sepgember 20, 1988. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment of the Constitution provides for due process, fair hearing, and equal protection of the

laws in actions in state courts.

STATEMENT OF FACTS

Plaintiff pro se complained against state and federal judges and private defendants that they conspired to deny him a fair hearing and deprive him of due process praying for injunctive relief. The district court dismissed the actions and awarded Rule 11 sanctions, which were vacated on September 20, 1988 by the Fourth Circuit Court of Appeals.

No hearing of facts has been had. There has been no opportunity to present evidence or to further discover the limits of the conspiracy against him.

Plaintiff prays only for injunctive relief as to judicial defendants under 42 U.S.C. §1983.

Plaintiff's allegations were detailed, specific, factual, and in good faith

(see 9/20/88 4CCA).

The harm and threat of further harm continues.

REASONS FOR GRANTING THE WRIT

A. THIS CASE PROVIDES THIS COURT WITH AN OPPORTUNITY TO LIMIT ABSOLUTE JUDICIAL IMMUNITY IN AREAS OF JUDGES SUMMARILY DISMISSING GOOD FAITH ALLEGATIONS AGAINST JUDGES IN THE AREA OF CONSPIRATORAL DENIAL OF FAIR HEARING, DUE PROCESS, AND EQUAL PROTECTION OF THE LAWS.

A recent (January 1988) U. S. Supreme Court case, Cynthia A. Forrester v. Judge Howard L. White, further reduced the bounds of protection afforded wayward judges under "absolute" immunity. It, stating that administrative acts are not protected, included employment decisions in that category.

Now is the time to send a message to would be judicial-cover-up judges that in these areas of good-faith allegations of

judicial denial of fair hearing, due process, and equal protection of the laws against pro se plaintiffs wherein harm is of an irreversible nature, that protection of fair hearing, due process, and equal protection of the laws is to be especially guarded or else it is meaningless in that when one seeks protection of the courts, he faces a "catch 22" situation.

The fact that plaintiff complains on more than one occasion (of the same judges and subject matter and events ongoing) is not to be taken as frivolous but as a continuing effort to be heard (instead of thwarted because of the subject matter) on a matter demonstrated to be genuine by its continuing complaint.

The fact pattern in the allegations clearly demonstrates that the truth of

the allegations could be determined by existing pleadings in the cause(s) complained of as to whether it happened or not, its nature, its seriousness, and its anticipated consequences if not addressed by federal intervention by way of injunction.

Mitchum v. Foster and a lengthy history of causes clearly establish that judges are not immune from prayer for injunctive relief per se.

Plaintiff did not request the trial court that they "review the decisions of state courts." Plaintiff requested the trial court that they inquire into the conduct of the state court wherein no decision had been rendered but conspiracy ensued, on-going, which was about to (and which now has and is continuing to) cause irreversible harm.

Plaintiff has a right to amend if the trial court determines that he failed to state a claim for which he is entitled to relief.

Plaintiff alleged that non-state-actor defendants did conspire with a state official(s).

42 U.S.C. §1983, to be effective in this area of judicial harm, should be expanded into this area, as it should not harm the intent of immunity (to protect judicial independence, to discourage disappointed litigants from attacking judges personally rather than appealing decisions in an orderly way, and to protect in situations where an official's position requires that he be constantly making decisions that disappoint and distress members of the public, BUT NOT TO MAKE LIFE EASY FOR JUDGES) but should put judges on no-

tice that they are to be held accountable for their intentionally wrongful acts by the public directly and not just a Judicial Review Commission or recall. This is even more pertinent for appointed judges with life tenure who exercise absolute and great power.

B. THIS CASE PROVIDES THIS COURT WITH AN OPPORTUNITY TO LIMIT ABSOLUTE JUDICIAL IMMUNITY IN AREAS OF JUDGES SUMMARILY DISMISSING GOOD FAITH ALLEGATIONS AGAINST JUDGES WHEN INJUNCTIVE RELIEF IS REQUESTED TO STOP CONSPIRACY TO HARM PLAINTIFF AS A PRO SE LITIGANT.

Petitioner hereby adopts and incorporates his §A. above. Judges should fear no harm from a prayer for injunctive relief if a prima facie case has been presented that their sitting over a particular pro se defendant reeks of impropriety and the matter can be relieved by their stepping aside from the case as to that pro se defendant and voluntarily recusing them-

selves. The question then becomes the motivation of the pro se defendant for requesting recusal and that should be decided by a good faith hearing by a fair judge on the prima facie facts of conflict or potential for conflict (especially so when those facts are of record).

Judicial power with unbridled absolute immunity is too great for a pro se defendant to deal with in these cases.

CONCLUSION

These matters should not be dismissed summarily in series without consideration for the need for injunctive relief and the possibility that the complaining defendant pro se is in good faith and correct and might even prevail.

Respectfully submitted,

/41

CHARLES M. ANDERSON
8401 Cathedral Forest Dr.
Fairfax Station, VA. 22030
Ph: (703) 643-2562

Petitioner Pro Se

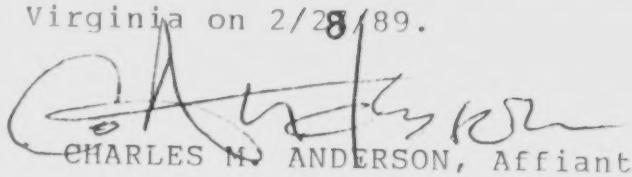
Dated: 1/17/89 (previous 12/18/88)

PROOF OF SERVICE

CHARLES M. ANDERSON, after being duly sworn, disposes and says that pursuant to Rule 28.4(a) of this Court, he served the within Petition for Writ of Certiorari to the Court of Appeals for the Fourth Circuit on counsel for the REspondent by enclosing three copies thereof in an envelope, first class postage prepaid, addressed to:

Peter Messitt, 101 N. 8th St., Richmond
Charles Sickels, 4010 Univ.Dr,Fairfax
A. S. Brent, 10511 Jud'l Dr,Fairfax
Doug Mackall, 4031 Ch. Bridge, Fairfax
Henry Hudson, 704 Prince St, Alexandria
Donald Bowman, 11 W. Mkt St, Leesburg, VA.

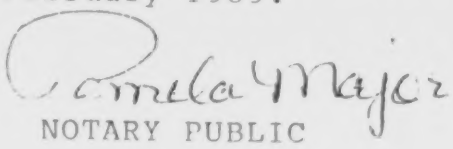
and depositing same in the U.S. mail in Fairfax, Virginia on 2/28/89.



CHARLES M. ANDERSON, Affiant

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

Subscribed and sworn to before me this 28th day of February 1989.



NOTARY PUBLIC

My commission expires 26 June 1990.

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 87-2172

CHARLES M. ANDERSON

Plaintiff - Appellant

v.

CHARLES W. SICKELS; THOMAS J. MIDDLETON; BERNARD F. JENNINGS; A. STRODE BRENT, JR.; PARR EXCELLANCE, INC.

Defendants - Appellees

No. 87-2176

CHARLES M. ANDERSON

Plaintiff - Appellant

v.

HENRY C. MACKALL; MACKALL, MACKALL, WALKER & SILVER; DONALD L. BOWMAN, LAW OFFICE; F. BRUCE BACH: JACK B. STEVENS; J. HOWE BROWN; THOMAS A. FORTKORT; CLAUSE HILTON

Defendants - Appellees

A

Appeals from the U. S. District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, District Judge. (C/A Nos. 87-0801-A; 87-609-A)

Subjitted: May 27, 1988 Decided: Sept20, 88

Before RUSSELL and SPROUSE, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Charles M. Anderson, Appellant Pro Se. Peer R. Messit (OFFICE OF THE ATTORNEY GENEERAL OF VIRGINIA); A. Strode Brent, Jr.; Charles William Sickels (HALL, MARKLE & SICKELS, PC); Glenn Hugh Silver (MACKALL, MACKALL, WALKER & SILVER); Henry Edward Hudson, U. S. Attorney (OFFICE OF THE U.S. ATTORNEY); Donald L. Bowman, for Appellees.

PER CURIAM:

Charles Andeson filed two actions pursuant to 42 U.S.C.§1983 against six state judges, a federal district judge, and several private defendants alleging that they conspired to deny him a fair hearing and deprive him of due process. The district court dismissed the actions and awarded attorney's fees against Anderson. Anderson appealed.

The federal and state judges are immune from liability in damages. See Stump v. Sparkman, 435 U.S. 349 (1978). Moreover, the lower federal courts are without jurisdiction to review the decisions of state courts. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983). See also Ganey v. Barefoot, 749 F.2d 1124, 1127 (4th Cir. 1984), cert. denied, 472 U.S. 1014 (1985). In his claim against the federal judge, Anderson chalenges the dismissal of one of his prior federal actions. As the proper vehicle for Anderson to object to this dismissal is through appeal, which in fact he had done, he has failed to state a claim for which he is entitled relief. The action was also properly dismissed against the remaining defendants as they are not state actors and Anderson has failed to establish that they conspired with a state official. See generally Tower v. Glover, 467 U.S. 914 (1984); Dennis v.

Sparks, 449 U.S. 24, 27-28 (1980).

Rule 11, Fed. R. Civ. P., provides that where an attorney or party signs a pleading he certifies to the court that he has conducted reasonable investigation and to the best of his knowledge the pleadings represent a proper legal claim. See 5 C. Wright, A. Miller & M. Kane, Federal Practice and Procedure, §1332 (1987 Supp.). A violation of this rule is sufficient cause for the district court to impose sanctions. See Cabell v. Petty, 810 F.2d 463 (4th Cir. 1987). Anderson's actions in this case demonstrate that a serious question exists as to his competency as an attorney. We cannot say, however, that the record reflects a violation of rule 11.

In view of the above, we affirm the district court's dismissal of this action but vacate the order imposing sanctions. Because the dispositive issues have been decided authoritatively, we dispense with

oral argument.

AFFIRMED IN PART
VACATED IN PART

IN THE U. S. DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CHARLES M. ANDERSON,	)	
	)	
Plaintiff,	)	C. A. NO.
v.	)	87-609-A
	)	
HENRY C. MACKALL, et al.,	)	
	)	
Defendants.	)	

O R D E R

For reasons stated in open court, it is accordingly

ORDERED:

(1) that the Motions of defendants Bach, Stevens, Brown, Fortkort and Hilton to Dismiss are GRANTED;

(2) that the Motion to Dismiss of defendants Donald L. Bowman and Donald L. Bowman Law Office is GRANTED;

(3) that the Motion to Dismiss of defendants Henry C. Mackall and Mackall, Mackall, Walker & Silver is GRANTED;

(4) that the defendants shall file their motions for counsel fees, costs and sanc-

tions within ten days from the date of entry of this Order, and the plaintiff shall file his opposition within twenty days from the date of entry of this Order;

(5) that the Clerk shall forward copies of this Order to all counsel of record.

August 21, 87
Alexandria, VA.

/s/ James C. Cacheris
U. S. District Judge

IN THE U. S. DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CHARLES M. ANDERSON,	)	
	)	
Plaintiff,	)	C. A. NO.
v.	)	87-801-A
	)	
CHARLES W. SICKELS, et al.	)	
	)	
Defendants.	)	

O R D E R

For reasons stated in open cout, it is accordingly

ORDERED:

(1) that the Motion to Adopt and Conform filed by the defendant A. Strode Brent, Jr. is GRANTED;

(2) taht the Motion to Dismiss is GRANTED as to defendants Brent, Sickels, and Parr Excellence, Inc.,;

(3) that the Motion to Dismiss filed by defendants Thomas J. Middleton and Barnard F. Jennings is GRANTED;

(4) that defendants have ten days from the date of this Order to file their re-

quests for attorney's fees, and plaintiff has twenty days from the date of this Order to file his response;

(5) that the Clerk shall forward copies of this Order to plaintiff pro se and to all counsel of record.

August 21, 87
Alexandria, VA.

/s/ James C. Cacheris
U. S. District Judge

Supreme Court, U.S.
FILED
APR 4 1989
JOSEPH F. SPANIOL, JR.
CLERK

88-1967

CASE NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1988

CHARLES M. ANDERSON,
PETITIONER

VS.

CHARLES W. SICKELS; THOMAS J. MIDDLETON; BERNARD F. JENNINGS; A. STRODE BRENT, JR.; PARR EXCELLANCE, INC.; HENRY C. MACKALL; MACKALL, MACKALL, WALKER & GIBB, P.C., (FORMERLY MACKALL, MACKALL, WALKER & SILVER, P.C.); DONALD L. BOWMAN; BOWMAN LAW OFFICE; F. BRUCE BACH; JACK B. STEVENS; J. HOWE BROWN; THOMAS A. FORTKORT; CLAUDE HILTON,

RESPONDENTS.

BRIEF IN OPPOSITION MADE BY RESPONDENTS HENRY C. MACKALL AND MACKALL, MACKALL, WALKER & GIBB, P.C.

DOUGLAS D. WALKER, COUNSEL OF RECORD
GORHAM S. CLARK
4031 Chain Bridge Road
Fairfax, Virginia 22030

22pp

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STATEMENT OF MATERIAL FACTS NOT PROVIDED IN PETITION FOR WRIT OF CERTIORARI

Respondent, Henry C. Mackall, is a private attorney-at-law, and a member of the Virginia State Bar. He is not a judge of any state or federal court. He is a commissioner in chancery, duly appointed by the Circuit Court of Fairfax County, Virginia, to assist chancellors in cases in equity.

Mr. Mackall is President of the professional corporation of Mackall, Mackall, Walker & Gibb, P.C., formerly Mackall, Mackall, Walker & Silver, P.C., another respondent in this action. Respondent Mackall, Mackall, Walker & Gibb, P.C. is a private law firm.

ARGUMENTS IN OPPOSITION

I. THESE PROCEEDINGS AGAINST RESPONDENT MACKALL, MACKALL, WALKER & GIBB, P.C. SHOULD BE DISMISSED BECAUSE SAID RESPONDENT IS A PRIVATE LAW FIRM WHICH HAS NOT ACTED UNDER COLOR OF LAW UNDER 42 U.S.C. SECTION 1983 AND BECAUSE PETITIONER NO LONGER PRAYS FOR RELIEF AGAINST SAID RESPONDENT.

Petitioner filed two actions pursuant to 42 U.S.C. Section 1983 against six Virginia Circuit Court Judges, a Federal District Judge, and a number of private defendants. Respondent law firm, Mackall, Mackall, Walker & Gibb, P.C., was among the private defendants.

Section 1983 of Title 42 of the United States Code requires that, for an action to lie for deprivation of civil rights, the defendant must have engaged in conduct within the statute "under color of any statute, ordinance, regulation, custom, or usage, of any state ... " 42 U.S.C.A. Section 1983 (West 1981). Petitioner has

not properly alleged that respondent, Mackall, Mackall, Walker & Gibb, P.C., has engaged in any conduct under color of law. The law firm holds no governmental, judicial, quasi-governmental, or quasi-judicial position and has taken no action whatsoever in regard to Petitioner. Mackall, Mackall, Walker & Gibb, P.C.'s only connection with the matters giving rise to the law suits below is that it is the employer of Respondent, Henry C. Mackall.

As Petitioner has failed to plead a claim against Respondent Mackall, Mackall, Walker & Gibb, P.C., upon which relief can be granted, Respondent Mackall, Mackall, Walker & Gibb, P.C., should be dismissed from this action.

Further, Petitioner distinguishes the three categories of defendants against whom he is complaining; state judges, federal

judges and private defendants. See Petition for Writ of Certiorari, at 2. He also states that at this time he "prays only for injunctive relief as to judicial defendants under 42 U.S.C. Section 1983." Id. Because Petitioner has not demonstrated or alleged that Respondent law firm, Mackall, Mackall, Walker & Gibb, P.C., is such a "judicial defendant," said Respondent is improperly a party to this proceeding and should be dismissed from the action.

II. THESE PROCEEDINGS AGAINST RESPONDENT HENRY C. MACKALL SHOULD BE DISMISSED BECAUSE PETITIONER NO LONGER PRAYS FOR RELIEF AGAINST HIM AND BECAUSE ACTION AGAINST HIM IS BARRED BY THE DOCTRINE OF ABSOLUTE JUDICIAL IMMUNITY.

In Petitioner's "Statement of Facts," he set out that he initially brought two actions in federal court against three categories of defendants: state judges; federal judges; and private defendants. Petition for Writ of Certiorari, at 2. He goes on to state that he now only "prays

for injunctive relief as to judicial defendants under 42 U.S.C. Section 1983." Id. Respondent Henry C. Mackall is neither a state nor a federal judge. He is a commissioner in chancery, whose job it is to assist the Court. See Shipman v. Fletcher, 91 Va. 473, 477, 22 S.E. 458 (1895). The Virginia Supreme Court in Shipman explained the function of a commissioner in chancery as follows:

> In a suit in equity, unlike in an action at law, matters of fact as well as questions of law are by the constitution and immemorial practice of the court determined and adjudicated by it. It is impracticable for the chancellor to investigate the matters of fact arising in a cause and take the testimony to that end; to state and settle the necessary accounts, which are often very complicated; to ascertain and classify the liens upon the property; and to perform other functions of similar nature necessary to the proper adjudication of the matters of law and fact arising in the varied and important litigation, which pertains to its jurisdiction.
>
> Commissioners in chancery are appointed to assist the chancellor and to relieve him in a large measure of these and

other duties incidental to the progress and determination of the cause.

Id. at 476-77.

While commissioners in chancery "perform within their appointed sphere a principal function of judicial trial," Id. at 477, it is also true that:

> Their work is subject to the absolute review of the power they are appointed to assist. A court of equity cannot abdicate its authority or powers, nor confide nor surrender absolutely to any one the performance of any of its judicial functions. It may rightfully avail itself of the eyes and arms of its assistants in the proper preparation for judicial determination of the many complicated, difficult, and intricate matters upon which its judgment is invoked, but in it resides the authority, and to it solely belongs the responsibility, to adjudicate them.

Id. at 478.

All judicial authority rests,therefore, with the judge, or chancellor, and not the commissioner in chancery. It is judges or chancellors then, who should be considered the "judicial defendants" Petitioner refers

to, and against whom injunctive relief is sought, not mere assistants. Respondent Henry C. Mackall was such an assistant, as a commissioner in chancery, and should be considered a "private defendant" and therefore beyond Petitioner's prayer for relief against "judicial defendants."

While Respondent Henry C. Mackall does not come within Petitioner's meaning of "judicial defendants," as a commissioner in chancery, he is an integral part of the judicial process and is protected by absolute judicial immunity when he acts within the scope of his authority.

Under Virginia law, a commissioner in chancery is a quasi-judicial officer. Mountain Lake Co. v. Blair, 109 Va. 147, 159, 63 S.E. 751, 755 (1909). It is a commissioner in chancery's duty to "examine, and report upon, any matters as may be referred to him by any court." Va. Code

Section 8.01-609 (1984 Rep. Vol.). He therefore has no duties beyond the judicial process and his only function is judicial.

The same result is achieved with the application of the "functional compatability" test established by the United States Supreme Court in Batz v. Economou, 438 U.S. 478, 57 L.Ed.2d 895, 98 S.Ct. 2894 (1978), and adopted by the Virginia Supreme Court in Harlow v. Clatterbuck, 230 Va. 490, 339 S.E.2d 181 (1986). A defendant performs a judicial function when the procedure in question "shares enough of the characteristics of the judicial process that those who participate in such adjudication should also be immune from suits for damage." Batz at 512-13. The functional characteristics of the commissioner in chancery are all characteristics of the judicial process. In fact, the commissioner in chancery rises above merely sharing

characteristics with the judicial process, he is by statute a part of the judicial process. See Va. Code Section 8.01-607 (1984 Rep. Vol.) (Each circuit court shall, from time to time appoint commissioners in chancery as may be deemed necessary for the convenient dispatch of the business of such court).

Respondent, Henry C. Mackall, therefore would be entitled to protection by absolute judicial immunity in performing the duties referred to him by a Virginia court.

III. ABSOLUTE JUDICIAL IMMUNITY SHOULD NOT BE RETRACTED WHERE PRO SE PLAINTIFFS ALLEGE JUDICIAL DENIAL OF CONSTITUTIONAL RIGHTS.

This Court recently reviewed the bounds of absolute judicial immunity in Forrester v. White, 484 U.S. ____, 98 L.Ed.2d 555, 108 S.Ct. _____ (1988). In Forrester, Justice O'Connor, for the Court, explains that the two bases of the "settled

doctrine" of judicial immunity are the preference for appellate action as the standard system of correcting judicial error and the protection of judicial independence by insulating judges from the vexatious actions prosecuted by disgruntled litigants, Id. at L.Ed.2d 564. It was the opinion of the Court, however, that the law should, and implicitly has, recognized an "intelligible distinction between judicial acts and the administrative, legislative, or executive functions that judges may on occasion be assigned by law to perform." Id. at 565. It is clear after Forrester, that it is the "nature of the function performed, not the identity of the actor who performed it," that determines whether immunity applies. Id. at 566. That is, judicial acts are protected by absolute judicial immunity, but administrative acts are not entitled to protection by judicial immunity.

The bounds of absolute judicial immunity are clear under Forrester, 98 L.Ed.2d 555, and the doctrine supports the objectives of recognizing appellate actions as the preferred means of correcting judicial error and insulating judges from vexatious actions of disgruntled litigants. If an exception were to be made for pro se plaintiffs seeking redress for deprivation of constitutional rights, both of these objectives would be directly frustrated with little resulting benefit. Moreover, in the future, every disgruntled litigant who chooses not to appeal will simply fire his attorney and file a new law suit on his own. This will further undermine the worthy objectives of judicial immunity.

IV. THE PETITION FOR WRIT OF CERTIORARI SHOULD BE DENIED BECAUSE PETITIONER HAS FAILED TO MEET THE REQUIREMENTS OF UNITED STATES SUPREME COURT RULE 21.5

Rule 21.5 of the Supreme Court of the

United States establishes failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration as sufficient reason for denying his petition.

While Mr. Anderson's Petition for Certiorari is certainly brief, there are so few facts asserted, and the document is so unclear with regard to what issues are actually being presented and what arguments, if any, are being made in regard to these issues, that his petition does not merit the granting of a Writ of Certiorari by the Court.

For example, Petitioner lists four questions presented for review. See Petition for Writ of Certiorari, at i. The first, "[a]re judges immune from injunctive relief request," Id., is, in fact,

addressed in the Petition. The second question, however, "[d]id plaintiff request of the trial court that they 'review the decisions of the state courts' in his request for injunctive relief," Id., is dealt with in one paragraph without citation of legal authority or reference to the record. Petitioner is apparently responding to the ruling of the Fourth Circuit Court of Appeals below that lower federal courts are without jurisdiction to review the decisions of state courts, Id., Appendix A, at 3. Petitioner argues that he did not request a review of the decisions of state courts, he requested, rather, that the federal district court "inquire into" the conduct of the state court. Id. at 5.

While the federal district courts are granted great power by the United States Congress, federal district courts have no more jurisdiction to "inquire into" the

conduct of state courts than they do to review the decisions of those courts.

Both the third and fourth questions presented for review, See Id. at i, are each dealt with in one sentence, again completely without reference to legal authority or matters of record. See id. at 6.

Because of these and other similar inadequacies of the Petition, a Writ of Certiorari should not be granted.

CONCLUSION

For the foregoing reasons, Respondents Henry C. Mackall and Mackall, Mackall, Walker & Gibb, P.C., request that they be dismissed from this action or that no Writ of Certiorari be granted by this Court.

Respectfully submitted,

HENRY C. MACKALL and
MACKALL, MACKALL, WALKER &
GIBB, P.C., a Virginia
professional corporation,
Respondents

By: Douglas D. Walker
Douglas D. Walker
Counsel of Record

MACKALL, MACKALL, WALKER & GIBB, P.C.
4031 Chain Bridge Road
Fairfax, Virginia 22030
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By: Douglas D. Walker
Douglas D. Walker

and

By: Gorham S. Clark
Gorham S. Clark
Counsel for Respondents
Henry C. Mackall and Mackall, Mackall,
Walker & Gibb, P.C.

PROOF OF SERVICE

I, Douglas D. Walker, after being duly sworn, deposes and says that pursuant to Rule 28 of this Court, I did serve the foregoing Brief in Opposition Made By Respondents Henry C. Mackall and Mackall, Mackall, Walker & Gibb, P.C., by enclosing three copies thereof in an envelope, first class, postage prepaid, addressed to each of the following and depositing same in a United States mailbox in Fairfax, Virginia, on this 11th day of April, 1989: Charles M. Anderson, Petitioner Pro Se, 8401 Cathedral Forest Drive, Fairfax Station, Virginia 22030; Donald L. Bowman, Esq., 11 W. Market Street, Leesburg, Virginia 22075; Peter R. Messitt, Esq., Assistant Attorney General, 101 N. 8th Street, Richmond, Virginia 23219; Charles W. Sickels, 4010 University Drive, Fairfax, Virginia 22030; A. Strode Brent, Jr., 10511 Judicial Drive,

Fairfax, Virginia 22030; and Henry E. Hudson, U. S. Attorney, 701 Prince Street, Alexandria, Virginia 22314.

Douglas D. Walker

Douglas D. Walker, Affiant

STATE OF VIRGINIA
COUNTY OF Fairfax, to-wit:

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that this 11th day of April, 1989, personally appeared before me in my said state and county, DOUGLAS D. WALKER, whose name is signed to the foregoing Proof of Service dated the 11th day of April, 1989, and acknowledged the same.

Notary Public

My Commission expires: 10-1-91.